



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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March 3, 2016

**VIA ECF**

Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: Naquan Miles v. City of New York, et al., 15 CV 8315 (JPO)**

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. I write in connection with Your Honor's Order dated March 1, 2016 (Docket #11) to respectfully advise the Court that defendants intend to Answer or otherwise respond to plaintiff's Complaint by April 11, 2016.

Per Docket #4, the above-referenced case is proceeding pursuant to Local Civil Rule 83.10 (hereinafter referred to as, "the Plan"). Rule 3 of the Plan stipulates that, "If the § 160.50 Release is served on the City after the complaint is first served on a defendant, each defendant will have the greater of (i) 60 days from the date the § 160.50 Release is served on the City, or (ii) 60 days after that defendant is served, to answer the complaint."

Given that the undersigned did not receive a § 160.50 Release when the Complaint was served on the City, the undersigned promptly sent a letter dated January 21, 2016 to plaintiff's counsel requesting the release and attached a copy of Local Civil Rule 83.10, pursuant to Rule 2 of the Plan. Approximately three weeks later, the parties conferred via phone, and plaintiff's counsel represented that he never received defendants' letter (though he confirmed that it was sent to the correct address), and that he had served the release with the Complaint. Plaintiff's counsel therefore indicated that he expects defendants to Answer or otherwise respond to the Complaint by March 4, 2016. Plaintiff's counsel then emailed to the undersigned a § 160.50 release on February 11, 2016.

To be sure, our Office does not accept electronic service. However, in the spirit of compromise, we are willing to compute the date by which defendants must Answer or otherwise respond to the Complaint based upon the date that the undersigned electronically received from

plaintiff a \$ 160.50 release in this matter. Based on Rule 3 of the Plan, this date, as noted *supra*, is April 11, 2016. Again, defendants intend to Answer or otherwise respond to plaintiff's complaint by April 11, 2016 pursuant to Local Civil Rule 83.10.

Thank you for your time and consideration.

Respectfully submitted,

/s/

Daniel M. Braun  
Senior Counsel

Cc: Wylie M. Stecklow, Esq. (*via ECF*)